Office of the Commissioner of Lobbying of Canada

Commissariat au lobbying du Canada

Access to Information Act

ANNUAL REPORT 2017-18

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Cat. No. Lo2-1/1E-PDF
ISSN 1925-9530

Aussi offert en français sous le titre
Commissariat au lobbying – Loi sur l'accès à l'information – Rapport annuel 2017-2018

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Introduction

The *Access to Information Act* (ATIA) (Revised Statutes of Canada 1985, Chapter A-1) was proclaimed on July 1, 1983. The ATIA gives Canadian citizens and permanent residents a broad right of access to information contained in government records, subject to certain specific and limited exceptions.

Section 72 of the ATIA stipulates that the head of every government institution shall prepare and submit to parliament an annual report on the administration of the ATIA for each fiscal year.

Consequently, this annual report is submitted by the Office of the Commissioner of Lobbying (OCL) in accordance with the ATIA. It describes how the OCL fulfilled its access to information responsibilities during the fiscal year 2017-18.

The Office of the Commissioner of Lobbying

The Commissioner of Lobbying is responsible for the administration of the *Lobbying Act* (the Act) and the *Lobbyists' Code of Conduct* (the Code). The Office of the Commissioner of Lobbying (OCL) supports the Commissioner in her mandate. The authority of the Commissioner is derived from the Act. The legislation seeks to improve transparency and accountability regarding communications between lobbyists and federal public office holders and increase the confidence of Canadians in the integrity of government decision-making.

The mandate of the Commissioner is threefold:

- establish and maintain the Registry of Lobbyists, which contains and makes public the registration information disclosed by lobbyists;
- develop and implement educational programs to foster public awareness of the requirements of the Act; and
- undertake administrative reviews and investigations to ensure compliance with the Act and the Code.

Under the Act, the Commissioner of Lobbying also has the authority to grant exemptions to former designated public office holders who are subject to a five-year prohibition on lobbying activities.

The Commissioner reports annually to Parliament on the administration of the Act and the Code. The Commissioner is also required to table to Parliament reports on investigations, which include her findings, conclusions and the reasons for her conclusions.

Responsibility for Information Rights / Delegation of Authority

The ATIA provides the authority to exercise full powers to the Commissioner of Lobbying. The OCL's Access to Information and Privacy (ATIP) Coordinator is delegated this authority via a Delegation Order, of which copies are attached in Annex A. The OCL has two employees responsible for the administration of the ATIA, an ATIP Coordinator and an ATIP Advisor.

The Director of Registration and Clients services was the ATIP Coordinator from April 2017 to June 2017 and the Director of Internal Service and Chief Financial was that ATIP Coordinator from June 2017 to April 2018. The ATIP Coordinator is responsible for the development, coordination and implementation of effective policies, guidelines and procedures to ensure the OCL's compliance with the ATIA. The Coordinator makes decisions on the disposition of requests under the ATIA, promotes awareness of the legislation to ensure organizational responsiveness to its obligations, as well as monitors and advises on compliance with the ATIA, regulations, procedures and policies. Further, the Coordinator acts as spokesperson for the OCL in dealings with the Treasury Board Secretariat, the Information Commissioner, and other government departments and agencies. The Coordinator is also responsible for conducting consultations with other federal organizations and other governments within Canada as required.

The ATIP Advisor is responsible for processing the requests received under the ATIA and making recommendations to the ATIP Coordinators on the disposition of any requests received.

Under the Act, the OCL collects information from registrants and lobbyists and the disclosures filed by registrants are accessible on the OCL's website at the following address: www.lobbycanada.gc.ca.

Reports on Investigations under the Code that are completed must be tabled in both Houses of Parliament. They are also posted on the OCL's website.

Administration of the Access to Information Act

Statistical Report

Annex B provides a statistical summary of requests under the *Access to Information Act* (ATIA) received during fiscal year 2017-18.

In 2017-18, the OCL received eight requests under the ATIA: five were treated formally and three informally. All eight requests were closed during this period. Four requests were received from Canadian citizens who declined to be identified, one request was received from the media. Three informal requests were received from Canadian citizens who declined to be identified. All pertained to lobbying activities.

The OCL completed these requests as follows:

- Existing records were partially disclosed for one request as pages contained personal information (subsection 19(1)). The OCL processed 31 pages and electronic copies were provided to the requester.
- No information was provided for four requests under exemption 16.2(1). Fees was not charged for one of the four requests.
- All three informal requests were for a copy of records provided in previous requests which was provided free of charge.

Exemptions

- Subsection 19(1) refers to material containing personal information.
- Subsection 16.2(1) refers to information that was obtained or created by the Commissioner or on her behalf in the course of an investigation.

With respect to the time to complete each of the five formal requests, four requests were completed in 1 to 15 days or less, and one in 16 to 30 days. Informal requests were completed in 1 to 15 days.

In 2017-18, the volume of formal request received and completed by the OCL decreased by 38% for last fiscal year but had an increase on consultations from other federal institutions.

Fiscal year	Formal requests received	Formal requests completed	Consultation completed from other institutions
2017-18	5	5	12
2016-17	8	8	3
2015-16	5	5	9
2014-15	4	5	9
2013-14	6	6	5
2012-13	10	9	2

The OCL incurred total expenditure of $ 6,715 for the application of the ATIA in 2017-18.

Fees

The fees collected for the processing of requests under the ATIA during the reporting period totalled $20.00. The current fee structure is specified in the *Access to Information Regulations.* No fees are imposed for reviewing records, overhead or shipping costs. In accordance with section 11 of the ATIA no additional fees are charged for the first five hours required to search for a record or to prepare any part of it for disclosure.

Information Holdings

In accordance with the *Access to Information Act*, the information gathered by the OCL is used only for the purposes for which it was obtained.

The OCL is responsible for providing a full accounting of information holdings to the Treasury Board Secretariat and ensuring that updates are provided for inclusion in the *Info Source* publication. This publication contains a description of the classes of institutional records held by the OCL.

Info Source can be obtained through public or academic libraries or it may be viewed online on the Treasury Board Secretariat's website at www.infosource.gc.ca.

New/Revised Policies, Guidelines and Procedures Implemented

During the reporting period, the OCL has uploaded summaries of completed requests on Canada's Open Data Portal. Process procedures were developed to establish service standards within the OCL.

OCL Website

The OCL's website at www.lobbycanada.gc.ca allows members of the public to access and search the Registry of Lobbyists, as well as obtaining copies of reports such as the OCL's annual reports on Access to Information and Privacy. Summaries of completed requests are available on the OCL website and on Canada's Open Data Portal.

Reading Room

A reading room is available at the OCL's office, situated on the 10th Floor at 255 Albert Street, Ottawa, Ontario, Canada K1P 6A9.

Education and Training Activities

No training was provided at the OCL during the reporting period.

Complaints

No complaints were received by the OCL from the Office of the Information Commissioner during 2017-18.

Appeals to the Federal Court

There were no appeals filed during 2017-18.

Consultations from Other Institutions

In total, 12 consultation requests were received from other federal institutions during the reporting period. All were closed during this reporting period. 11 consultation requests where completed within 15 days and one request was completed within 30 days. A total of 155 pages were reviewed and recommended for full disclosure.

Time to Process Access to Information Request Monitoring

Given the small number of requests received and processed by the OCL, no formal monitoring system was required during the reporting period.

Annex A – Delegation Orders

Commissioner of Lobbying Commissaire au lobbying

Ottawa, Canada K1A 0R5

Access to Information Act* and *Privacy Act

Delegation Order

The Commissioner of Lobbying, pursuant to section 73 of the *Access to Information Act* and section 73 of the *Privacy Act*, hereby designates the person holding the position set out in the schedule hereto, or the person occupying on an acting basis that position, to exercise the powers, duties and functions of the Commissioner of Lobbying as the head of the Office of the Commissioner of Lobbying, under the provisions of the Act and related regulations set out in the schedule opposite each position. This designation replaces all previous delegation orders.

Schedule

Position	*Access to Information Act* and Regulations	*Privacy Act* and Regulations
Director of Registration and Client Services	Full authority	Full authority

Dated, at the City of Ottawa, this 1st day of April 2017,

Karen E. Shepherd

Commissioner of Lobbying Commissaire au lobbying

Ottawa, Canada K1P 6A9

Access to Information Act and *Privacy Act*

Delegation Order

The Commissioner of Lobbying, pursuant to section 73 of the *Access to Information Act* and section 73 of the *Privacy Act*, hereby designates the person holding the position set out in the schedule hereto, or the person occupying on an acting basis that position, to exercise the powers, duties and functions of the Commissioner of Lobbying as the head of the Office of the Commissioner of Lobbying, under the provisions of the Act and related regulations set out in the schedule opposite each position. This designation replaces all previous delegation orders.

Schedule

Position	*Access to Information Act* and Regulations	*Privacy Act* and Regulations
Director, Internal Services and Chief Financial Officer	Full authority	Full authority

Dated, at the City of Ottawa, this Tuesday July 4, 2017,

Karen E. Shepherd

Annex B – 2017-18 Statistical Report

Government of Canada / Gouvernement du Canada

Statistical Report on the *Access to Information Act*

Name of institution: Office of the Commissioner of Lobbying of Canada

Reporting period: 2017-04-01 to 2018-03-31

Part 1: Requests Under the *Access to Information Act*

1.1 Number of requests

	Number of Requests
Received during reporting period	5
Outstanding from previous reporting period	0
Total	5
Closed during reporting period	5
Carried over to next reporting period	0

1.2 Sources of requests

Source	Number of Requests
Media	1
Academia	0
Business (private sector)	0
Organization	0
Public	0
Decline to identify	4
Total	5

1.3 Informal requests

Completion Time							
1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	Total
3	0	0	0	0	0	0	3

Note: All requests previously recorded as "treated informally" will now be accounted for in this section only.

TBS/SCT 350-63 (Rev. 2011/03)

Canada

Part 2: Requests Closed During the Reporting Period

2.1 Disposition and completion time

Disposition of Requests	Completion Time							
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	Total
All disclosed	0	0	0	0	0	0	0	0
Disclosed in part	0	1	0	0	0	0	0	1
All exempted	4	0	0	0	0	0	0	4
All excluded	0	0	0	0	0	0	0	0
No records exist	0	0	0	0	0	0	0	0
Request transferred	0	0	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0
Total	4	1	0	0	0	0	0	5

2.2 Exemptions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
13(1)(a)	0	16(2)	0	18(a)	0	20.1	0
13(1)(b)	0	16(2)(a)	0	18(b)	0	20.2	0
13(1)(c)	0	16(2)(b)	0	18(c)	0	20.4	0
13(1)(d)	0	16(2)(c)	0	18(d)	0	21(1)(a)	0
13(1)(e)	0	16(3)	0	18.1(1)(a)	0	21(1)(b)	0
14	0	16.1(1)(a)	0	18.1(1)(b)	0	21(1)(c)	0
14(a)	0	16.1(1)(b)	0	18.1(1)(c)	0	21(1)(d)	0
14(b)	0	16.1(1)(c)	0	18.1(1)(d)	0	22	0
15(1)	0	16.1(1)(d)	0	19(1)	1	22.1(1)	0
15(1) - I.A.*	0	16.2(1)	4	20(1)(a)	0	23	0
15(1) - Def.*	0	16.3	0	20(1)(b)	0	24(1)	0
15(1) - S.A.*	0	16.4(1)(a)	0	20(1)(b.1)	0	26	0
16(1)(a)(i)	0	16.4(1)(b)	0	20(1)(c)	0		
16(1)(a)(ii)	0	16.5	0	20(1)(d)	0		
16(1)(a)(iii)	0	17	0				
16(1)(b)	0						
16(1)(c)	1						
16(1)(d)	0						

* I.A.: International Affairs Def.: Defence of Canada S.A.: Subversive Activities

2.3 Exclusions

Section	Number of Requests	Section	Number of Requests	Section	Number of Requests
68(a)	0	69(1)	0	69(1)(g) re (a)	0
68(b)	0	69(1)(a)	0	69(1)(g) re (b)	0
68(c)	0	69(1)(b)	0	69(1)(g) re (c)	0
68.1	0	69(1)(c)	0	69(1)(g) re (d)	0
68.2(a)	0	69(1)(d)	0	69(1)(g) re (e)	0
68.2(b)	0	69(1)(e)	0	69(1)(g) re (f)	0
		69(1)(f)	0	69.1(1)	0

2.4 Format of information released

Disposition	Paper	Electronic	Other Formats
All disclosed	0	0	0
Disclosed in part	0	1	0
Total	0	1	0

2.5 Complexity

2.5.1 Relevant pages processed and disclosed

Disposition of Requests	Number of Pages Processed	Number of Pages Disclosed	Number of Requests
All disclosed	0	0	0
Disclosed in part	31	31	1
All exempted	0	0	4
All excluded	0	0	0
Request abandoned	0	0	0
Neither confirmed nor denied	0	0	0

2.5.2 Relevant pages processed and disclosed by size of requests

Disposition	Less Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
All disclosed	0	0	0	0	0	0	0	0	0	0
Disclosed in part	1	31	0	0	0	0	0	0	0	0
All exempted	4	0	0	0	0	0	0	0	0	0
All excluded	0	0	0	0	0	0	0	0	0	0
Request abandoned	0	0	0	0	0	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0	0	0	0	0	0
Total	5	31	0	0	0	0	0	0	0	0

2.5.3 Other complexities

Disposition	Consultation Required	Assessment of Fees	Legal Advice Sought	Other	Total
All disclosed	0	0	0	0	0
Disclosed in part	0	0	0	0	0
All exempted	0	0	0	0	0
All excluded	0	0	0	0	0
Request abandoned	0	0	0	0	0
Neither confirmed nor denied	0	0	0	0	0
Total	0	0	0	0	0

2.6 Deemed refusals

2.6.1 Reasons for not meeting statutory deadline

Number of Requests Closed Past the Statutory Deadline	Principal Reason			
	Workload	External Consultation	Internal Consultation	Other
0	0	0	0	0

2.6.2 Number of days past deadline

Number of Days Past Deadline	Number of Requests Past Deadline Where No Extension Was Taken	Number of Requests Past Deadline Where An Extension Was Taken	Total
1 to 15 days	0	0	0
16 to 30 days	0	0	0
31 to 60 days	0	0	0
61 to 120 days	0	0	0
121 to 180 days	0	0	0
181 to 365 days	0	0	0
More than 365 days	0	0	0
Total	0	0	0

2.7 Requests for translation

Translation Requests	Accepted	Refused	Total
English to French	0	0	0
French to English	0	0	0
Total	0	0	0

Part 3: Extensions

3.1 Reasons for extensions and disposition of requests

Disposition of Requests Where an Extension Was Taken	9(1)(a) Interference With Operations	9(1)(b) Consultation		9(1)(c) Third-Party Notice
		Section 69	Other	
All disclosed	0	0	0	0
Disclosed in part	0	0	0	0
All exempted	0	0	0	0
All excluded	0	0	0	0
No records exist	0	0	0	0
Request abandoned	0	0	0	0
Total	0	0	0	0

3.2 Length of extensions

Length of Extensions	9(1)(a) Interference With Operations	9(1)(b) Consultation		9(1)(c) Third-Party Notice
		Section 69	Other	
30 days or less	0	0	0	0
31 to 60 days	0	0	0	0
61 to 120 days	0	0	0	0
121 to 180 days	0	0	0	0
181 to 365 days	0	0	0	0
365 days or more	0	0	0	0
Total	0	0	0	0

Part 4: Fees

Fee Type	Fee Collected		Fee Waived or Refunded	
	Number of Requests	Amount	Number of Requests	Amount
Application	4	$20	1	$5
Search	0	$0	0	$0
Production	0	$0	0	$0
Programming	0	$0	0	$0
Preparation	0	$0	0	$0
Alternative format	0	$0	0	$0
Reproduction	0	$0	0	$0
Total	4	$20	1	$5

Part 5: Consultations Received From Other Institutions and Organizations

5.1 Consultations received from other Government of Canada institutions and organizations

Consultations	Other Government of Canada Institutions	Number of Pages to Review	Other Organizations	Number of Pages to Review
Received during reporting period	12	155	0	0
Outstanding from the previous reporting period	0	0	0	0
Total	12	155	0	0
Closed during the reporting period	12	0	0	0
Pending at the end of the reporting period	0	155	0	0

5.2 Recommendations and completion time for consultations received from other Government of Canada institutions

Recommendation	Number of Days Required to Complete Consultation Requests							
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	Total
Disclose entirely	11	1	0	0	0	0	0	12
Disclose in part	0	0	0	0	0	0	0	0
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	11	1	0	0	0	0	0	12

5.3 Recommendations and completion time for consultations received from other organizations

Recommendation	Number of Days Required to Complete Consultation Requests							
	1 to 15 Days	16 to 30 Days	31 to 60 Days	61 to 120 Days	121 to 180 Days	181 to 365 Days	More Than 365 Days	Total
Disclose entirely	0	0	0	0	0	0	0	0
Disclose in part	0	0	0	0	0	0	0	0
Exempt entirely	0	0	0	0	0	0	0	0
Exclude entirely	0	0	0	0	0	0	0	0
Consult other institution	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0

Part 6: Completion Time of Consultations on Cabinet Confidences

6.1 Requests with Legal Services

Number of Days	Fewer Than 100 Pages Processed		101-500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

6.2 Requests with Privy Council Office

Number of Days	Fewer Than 100 Pages Processed		101–500 Pages Processed		501-1000 Pages Processed		1001-5000 Pages Processed		More Than 5000 Pages Processed	
	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed	Number of Requests	Pages Disclosed
1 to 15	0	0	0	0	0	0	0	0	0	0
16 to 30	0	0	0	0	0	0	0	0	0	0
31 to 60	0	0	0	0	0	0	0	0	0	0
61 to 120	0	0	0	0	0	0	0	0	0	0
121 to 180	0	0	0	0	0	0	0	0	0	0
181 to 365	0	0	0	0	0	0	0	0	0	0
More than 365	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0

Part 7: Complaints and Investigations

Section 32	Section 35	Section 37	Total
0	0	0	0

Part 8: Court Action

Section 41	Section 42	Section 44	Total
0	0	0	0

Part 9: Resources Related to the *Access to Information Act*

9.1 Costs

Expenditures		Amount
Salaries		$6,715
Overtime		$0
Goods and Services		$0
• Professional services contracts	$0	
• Other	$0	
Total		**$6,715**

9.2 Human Resources

Resources	Person Years Dedicated to Access to Information Activities
Full-time employees	0.10
Part-time and casual employees	0.00
Regional staff	0.00
Consultants and agency personnel	0.00
Students	0.00
Total	0.10

Note: Enter values to two decimal places.